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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14 JESUS IRIBE,
15 Defendant.
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CASE NO. 2:22-CR-00164-DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL
ACT; ORDER

DATE: July 13, 2023

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and
19 defendant, by and through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on July 13, 2023.

21 2. By this stipulation, defendant now moves to continue the status conference
22 until September 28, 2023, at 9:00 a.m., and to exclude time between July 13, 2023, and
23 September 28, 2023, under Local Code T4.

24 3. The parties agree and stipulate, and request that the Court find the
25 following:

26 a) The government has represented that the discovery associated with
27 this case includes law enforcement reports and physical evidence. All of this
28 discovery has been either produced directly to counsel and/or made available for

1 inspection and copying.

2 b) Counsel for defendant desires additional time meeting with his client,
3 review the charges and the discovery, conduct defense investigation, and otherwise
4 prepare for trial.

5 c) The parties have not yet reached an agreement about whether this
6 case is going to resolve or proceed to trial so further time is necessary to allow the
7 parties to explore resolution prior to advising the Court of how the matter should
8 proceed.

9 d) Counsel for defendant believes that failure to grant the above-
10 requested continuance would deny him/her the reasonable time necessary for
11 effective preparation, taking into account the exercise of due diligence.

12 e) The government does not object to the continuance.

13 f) Based on the above-stated findings, the ends of justice served by
14 continuing the case as requested outweigh the interest of the public and the
15 defendant in a trial within the original date prescribed by the Speedy Trial Act.

16 g) For the purpose of computing time under the Speedy Trial Act, 18
17 U.S.C. § 3161, et seq., within which trial must commence, the time period of July
18 13, 2023 to September 28, 2023, inclusive, is deemed excludable pursuant to 18
19 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance
20 granted by the Court at defendant's request on the basis of the Court's finding that
21 the ends of justice served by taking such action outweigh the best interest of the
22 public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: July 10, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ JUSTIN L. LEE
JUSTIN L. LEE
Assistant United States Attorney

Dated: July 10, 2023

/s/ TIM F. TUITAVUKI
TIM F. TUITAVUKI
Counsel for Defendant
JESUS IRIBE

ORDER

IT IS SO ORDERED this 11th day of July, 2023.

/s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE